

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

ATTACHMENT2

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX

Those not highlighted in yellow are a synopsis of the comments received either by the public or wireless carrier by April 19, 2021

Those comments marked in yellow are recent comments

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
9.170.010 - BACKGROUND AND INTRODUCTION					
1		Remove language about Small Wireless Facilities being essential to new technology evolution and number of small cells each carriers is estimated to deploy per square mile.	over 20	Adopted	Statement phrased to make a pronouncement and avoid specific estimations.
9.170.020 - PURPOSE AND INTENT					
2		Add language that this Chapter is not intended to deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of RF emissions to the extent that the facilities comply with the FCC's regulations "and the application is in compliance with all permit provisions concerning such emissions."	over 20	Partially Adopted	This Chapter sets such permit provisions and conditions concerning emissions that are not intended to deny facilities on the basis of compliant RF emissions, so it is not appropriate to include that proposed language in this provision. Section 9.170.090.B.8 requires the City to make a finding that the proposed facility is in compliance with all FCC regulations. Section 9.170.130.A.9 also requires the permittee and the facility to comply with all applicable laws.
		Add language about using "smart planning" to balance simultaneous objectives.	1	partially adopt	This section discusses balancing such objectives, including from a planning perspective.
		Add language about protecting aesthetics, property values, fire risk, and structural standards.	1	partially adopt	This section discusses protecting the City's aesthetics as well as public health, safety and welfare.
9.170.030 - DEFINITIONS					
3		Add definition for Lowest Effective Power that "In all circumstances, except in case of communications or signals relating to vessels in distress, all telecommunications facilities, shall use the minimum amount of power necessary to carry out the communication desired. (47 USC 324)".	over 30	Partially Adopted	This proposal is not appropriate as a definition. It is best implemented as a required affirmation by the permittee in Section 9.170.130.A.24.A. A similar requirement could also be included in the application checklist.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
4		Include a definition for "small wireless facility" as a means to prohibit strand-mounted facilities.	over 20	Partially Adopted	The finding at Section 9.170.090.B.1 requires the proposed project to meet the definition for a "small wireless facility" as defined by the FCC. The FCC's definition requires mounting the facility on a structure (a pole, tower, base station, or other building), which excludes facilities mounted between structures on strands. A strand-mounted facility could not be permitted pursuant to this Chapter.
5	Y	Increase radius for persons entitled to notice from 300 feet to 1,000 feet.	over 30	Changed but not fully adopted	Notice expanded from 300 feet to 500 feet. The current ordinance draft also includes occupants in addition to property owners.
6	Y	Add a requirement that a copy of all submitted applications will be promptly posted for public view on the City's website and a link to the application will be emailed to all persons requesting notice from the Director.	over 20	Adopted	Section 9.170.080 also includes the requirement that the City have a website where application information can be obtained.
	Y	Revise so that only an informational notice is sent to adjacent property owners prior to construction.	1	decline	This proposed revision would not allow meaningful public comment on applications.
9.170.040 - APPLICABILITY					
7		Add provision that only pole-mounted antennas are permitted in the PROW.	over 5	Partially Adopted	This proposal is substantially duplicative of Section 9.170.030(AA) (Prohibited support structure definition) and Section 9.170.100(B)(2) (Prohibited Support Structures location standards). The finding at Section 9.170.090(B)(4) also requires the proposed project not to be located on a prohibited support structure.
8		Add provision that prohibited support structures include strand-mounted, decorative poles, traffic signals, any utility pole scheduled for removal or relocation within 12 months, and new non-replacement wood utility poles.	over 10	Partially Adopted	This proposal is substantially duplicative of Section 9.170.030(AA) (Prohibited support structure definition) and Section 9.170.100(B)(2) (Prohibited Support Structures location standards). The finding at Section 9.170.090(B)(4) also requires the proposed project not to be located on a prohibited support structure.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
9		Restrict strand-mounted facilities to (i) strands located in alleys or utility easements with requirements for proof of pole owner authorization and proof of a franchise agreement for the applicant or (ii) non-residential zones and streets.	over 10	Declined	The finding at Section 9.170.090.B.1 requires the proposed project to meet the definition for a "small wireless facility" as defined by the FCC. The FCC's definition requires mounting the facility on a structure (a pole, tower, base station, or other building), which excludes facilities mounted between structures on strands. A strand-mounted facility could not be permitted pursuant to this Chapter.
10	D.5.	Exempt natural gas companies and their facilities from the requirements of this Chapter pursuant to CPUC General Order 131-D or other CPUC authority.	1	Approved	Change made.
9.170.050 - REQUIRED PERMITS AND APPROVALS					
11		Require small wireless facilities to obtain a conditional use permit and an encroachment permit that is reopened every 3-5 years.	over 5	Declined	State law requires the minimum term of a wireless facility permit to be at least 10 years unless there are public safety reasons or substantial land use reasons to justify a shorter duration.
12		Add a new provision requiring any permittee who changes or alters the technology, equipment, power, or scope of coverage must submit a new application.	1	Partially Adopted	Section 9.170.040.A already specifies that the Chapter applies to modification requests. Section 9.170.040.C also states that eligible facilities requests will be processed pursuant to the Chapter.
9.170.060 - ADMINISTRATIVE ORDERS AND REGULATIONS					
13		Provision should be revised to provide clear guidelines for implementing waivers in compliance with FCC rules.	over 10	Declined	All City orders and regulations are subject to applicable FCC rules without restatement.
9.170.070 - PERMIT APPLICATIONS					
14		Add requirement that the applicant must propose the least intrusive means for filling its service gap.	over 30	Partially Adopted	Proposed new application checklist form includes requirement for materials related to the project purpose and technical objectives.
15		Require the applicant to install a full-size mock up of the proposed facility.	1	Partially Adopted	Section 9.170.120.B.3 allows the Director to require a mockup for a proposed preapproved design.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
16		Require proof of authorization from the pole owner.	1	Partially Adopted	Proposed new application checklist form includes requirement for pole owner's authorization.
17		Allow the City to retain independent experts to review applications.	over 20	Adopted	Section 9.170.070.H grants the Director discretion to retain independent consultants for application review.
18	B	Add language specifying application fees are limited "to the extent permitted by the FCC".	over 20	Declined	All City fees are subject to applicable FCC regulations without restatement.
19	C	Add language specifying the application contents are limited "to the extent permitted by the FCC".	over 20	Declined	All City application requirements are subject to applicable FCC regulations without restatement.
20	C	Add requirement that an applicant must submit proof of NEPA compliance.	over 30	Adopted	Applications include confirmation that an environmental assessment has been completed as required by NEPA.
21	C	Add requirement that applicant must submit proof of a significant gap in coverage.	over 30	Partially Adopted	Proposed new application checklist form includes requirement for materials related to the project purpose and technical objectives.
22	C	Add requirement that applications must contain a concise description of the specific telecommunication services to be provided and the permit is limited to such services.	over 10	Declined	Federal law prohibits the City from regulating what telecommunication services a permittee may offer as long as the permittee is authorized by the FCC to provide such services. The proposed application checklist includes a requirement for an applicant to provide proof of FCC licenses.
23	D	Revise provision to include electronic submissions and virtual meetings.	over 20	Partially Adopted	As written, this provision does not require <i>in-person</i> appointments. Any additional orders or regulations concerning electronic submissions or virtual meetings can be made by the Director pursuant to Section 9.170.060.
24	F	Require an applicant to hold a community meeting.	over 20	Declined	Requiring an applicant to hold a community meeting will trigger the shot clock and give staff less time to review an application for completeness and make a determination on the application within the FCC's time frames.
25	G	Delete the provision deeming applications withdrawn.	1	Declined	Needed to not run afoul of shot clock.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
26	H	Delete the provision allowing the City to retain an independent consultant as it is contrary to FCC regulations.	2	Declined	This is inaccurate. The FCC's <i>Small Cell Order</i> specifically rejected "calls to preclude a state or locality's use of third party contractors or consultants, or to find all associated compensation preempted".
	C	Add requirement that the applicant provided hard data recorded during an actual drive test to establish the existence of a significant gap, the location of the gap, and the geographic boundaries of the gap.	1	partially adopt	Proposed new application checklist form includes requirements for propagation maps, service areas, and information about if any drive tests were conducted, and if so, to provide drive test results and data.
	C	Add requirement that the applicant provide the data underlying propagation maps.	1	partially adopt	Proposed new application checklist form includes requirement for propagation maps, but not the underlying data used to create those maps.
	C	Delete requirement regarding coverage/capacity information and technical objectives	2	decline	Applicable law permits the City to require information from applicants about coverage/capacity and technical objectives.
	C	Require applicant to specify whether the RF EME report is for general population or occupational limits and the minimum distances used to calculate the limits.	1	adopt	The proposed new application checklist form includes requirements for exhibits depicting boundaries for RF exposures for both
	C	Require photo simulations to be made from the nearest adjacent properties.	1	partially adopt	The proposed new application checklist form includes requirements for the photo simulations to be made from at least three different reasonable line-of-sight locations from public streets or other publicly available areas. The City cannot require the applicant to take photos from private property without the owner's consent.
	C	Require all applications to be submitted under penalty of perjury.	1	partially adopt	The proposed new application checklist form cover page includes the applicant to certify that all statements and materials submitted are true, correct and complete.
	C	Allow persons with claimed electromagnetic hypersensitivity to submit reasonable accommodation requests under the ADA and FHAA to be reviewed by the City's ADA coordinator.	1	partially adopt	The City recognizes the right to seek an accommodation and this Policy does not expressly foreclose any reasonable/legally permissible accommodation.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
	F	Application appointments should be optional.	2	partially adopt	Pre-scheduled appointments help the City manage application intake. However, staff could be permitted to alter the intake process if, for example, an online application submittal portal becomes available and useful.
	F	Make annual community meeting voluntary, not mandatory.	1	decline	Provision could be made consistent with Section 9.170.120.A.25 that requires the permittee's reasonable cooperation with City requests to participate in community meetings.
	H	Revise to allow applicants to review and approve a consultant's scope of work and maximum fees prior to paying deposit.	1	decline	Applicants can review the public record for independent consultant agreements prior to choosing to provide a deposit or withdrawing the application. Applicants already have available remedies if they dispute the fees, such as the right to pay disputed fees under protest or withdraw an application.
9.170.080 - PUBLIC NOTICE					
27		Delete public notice requirements because the FCC does not allow for public notice.	1	Declined	This is inaccurate. The FCC's <i>Small Cell Order</i> does not prohibit public notice requirements.
28	C	Require the department to provide public notice 20 calendar days before a public hearing to consider an appeal instead of within approximately 10 calendar days.	over 10	Declined	Shot clocks may be as short as 60 days, so a requirement for the City to mail notice of any appeal 20 days in advance of any hearing significantly reduces the City's time for review of and decision on an application.
29	C	Require the City's website to contain Zoom links to public hearings for appeals.	over 10	Not Applicable	The City will post any video conferencing links with the agenda for any public hearing.
30	C	Require notice to be delivered in an envelope that prominently displays the Operator's logo and address, and shall prominently display the text "NEW WIRELESS FACILITY INFORMATION" on the front of the envelope. A list of recipients of the public notice shall be maintained as well as a log of any correspondence to or from recipients of the notice prior to any final decision on the application.	less than 10	Partially Adopted	The City is required to mail notices for applications, not the applicant. The City will maintain any reply correspondence in line with its usual public records practices.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
		Notice should be informational only and provided to adjacent property owners 3 days prior to the start of construction.	1	decline	This proposed revision would not allow meaningful public comment on applications.
9.170.090 - APPROVALS, DENIALS AND APPEALS					
31	A	Include a statement that the Director will make a determination on an application "with due consideration, in the record, for any opposition to the application received by the Director prior to the decision".	3	Partially Adopted	Section 9.170.080.D already allows interested parties to submit comments on an application.
32	B.5.	Require a finding that the applicant has shown a significant gap in coverage.	over 30	Partially Adopted	Proposed new application checklist form includes requirement for materials related to the project purpose and technical objectives.
33	B.6.	Delete finding requirement that the facility will not materially affect property values in the neighborhood.	2	Declined	Ordinance provides that proposed project will not be materially detrimental to the use of surrounding properties or improvements.
34	B.8.	Require a finding that proof of NEPA compliance has been provided by the applicant.	over 30	adopted	Application checklist could include a NEPA compliance/environmental analysis section.
35	C	Require the Director to only conditionally approve any permit upon proof applicant's insurance and indemnity.	over 10	Partially Adopted	Section 9.170.130.A.14.g already requires the permittee to deliver the COIs prior to permit issuance. The indemnity required at Section 9.170.130.A.13 is binding on the permittee without any further proof or action required by the permittee.
36	D	Remove restriction on appeals when such an appeal is based on reasons otherwise compliant under this Chapter, including appeals based on preapproved designs or FCC compliant RF emissions.	over 20	Declined	Appeals based on reasons otherwise compliant under this Chapter or federal law will unnecessarily expend City resources and increase litigation risk.
	B	Add finding about significant adverse aesthetic impacts.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 6, and 7.
	B	Add finding about the proposed siting minimizing adverse visual impacts.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 6, and 7.
	B	Add finding about minimum height necessary to remedy significant gap requirement.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 3 and 4.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
	B	Add finding about significant adverse impacts to property values.	1	partially adopt	This proposed requirement is similar to the required finding in Section 9.170.090.B.6
	B	Add finding about significant adverse impacts to historic resources or scenic views.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 3, and 7.
	B	Add finding about fall zones and structural failures.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 3, 4, 6, and 7.
	B	Add finding about not creating unnecessary redundancy in wireless infrastructure.	1	partially adopt	This proposed requirement is similar to the required finding in Sections 9.170.090.B.5 and 7.
	B	Add finding that the application is consistent with "Purpose and Intent" of ordinance.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B requiring conformance to design, location and structural standards implemented in the Policy in accordance with the "Purpose and Intent" section, in addition to multiple discretionary findings.
	B	Add finding that the facility presents a "minimal intrusion on the community".	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.
	B	Add finding that the proposed facility is the least intrusive means of remedying any significant gap.	1	partially adopt	This proposed requirement is similar to the required finding in Section 9.170.090.B.5.
	B	Add finding that there are no potential alternative less intrusive locations.	1	partially adopt	This proposed requirement is similar to the required finding in Sections 9.170.090.B.3, 4, and 5.
	B	Add finding that the proposed height for the facility is the lowest height possible to remedy the significant gap.	1	partially adopt	This proposed requirement is similar to the required findings in Section 9.170.090.B.2, 3 and 4.
	B.3.	Add to finding that an applicant may use a less-preferred or discouraged location/structure if applicant has demonstrated with clear and convincing evidence that no other more-preferred location/structure within 500 feet is technically feasible.	1	decline	Section 9.170.100 already establishes the City's preferential hierarchy for locations and structures. Applicants may seek limited exceptions under Section 9.170.090.E.
	B.5.	Delete finding requirement that the facility is essential or desirable for public convenience or welfare.	1	decline	The City may make discretionary findings under applicable law.
	B.6.	Delete finding that the facility would not be materially adverse to public peace, health, safety, comfort or general welfare.	1	decline	The City may make discretionary findings under applicable law.
	B.7.	Delete finding that facility is consistent with General Plan/applicable specific plan and would not be materially detrimental to surrounding properties.	1	decline	The City may make discretionary findings under applicable law.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
	D	Appeals process should be an administrative appeal to the City Manager instead of a <i>de novo</i> City Council hearing.	1	decline	Consistent with Chapter 1.30 of the City Code and short shot clock periods for final decisions on applications, the City Council is an appropriate appellate authority.
9.170.100 - Location Standards					
37		Require a 1,500 foot buffer between the applicant's facilities.	over 20	Declined	The increased distance may have a legal risk in terms of a basis to support and may be be preemtped to create such a distance as it can be viewed as a prohibition.
38		Require a setback of 1.5 to 2.5 times the height of the facility.	less than 10	Declined	Section 9.170.110.B.3 limits the overall height of the facility to six feet over the support structure plus minimum separation requirements or the maximum height structure permitted by the underlying zone, whichever is less.
39		Include residential areas, schools, government buildings, historic districts, parks and open spaces as prohibited locations.	over 20	Partially Adopted	Facilities in residential zones, schools, historic resources, parks are discouraged locations. Discouraged locations require the applicant to prove that no alternative site in a preferred location would be technically feasible.
40		Prohibit facilities from being installed within the drip line of trees in the PROW.	less than 5	adopted	Section 9.170.110A.4 prohibits facilities from being installed within any tree drip line.
41	A.2.	Revise the standard for proposed facilities in discouraged locations to include when an alternative location would not be "practical".	2	Declined	Practicality, as proposed, is not a legal standard.
42	A.2.	Require the applicant to show evidence of a significant gap in coverage to justify the placement of a facility in a discouraged location.	over 30	Partially Adopted	Proposed new application checklist form includes requirement for materials related to the project purpose and technical objectives.
43	A.2.g.	Increase the buffer between a facility and a hospital or assisted living facility to 1,000 or 1,500 feet from 500 feet.	over 30	Declined	The increased distance may have a legal risk in terms of a basis to support and may be be poreemtped to create such a distance as it can be viewed as a prohibition.
44	A.2.h.	Increase the buffer between a facility and a daycare facility or K-12 school to 1,000 or 1,500 feet from 500 feet.	over 30	Declined	See above.
45	A.2.h.	Add a buffer between a facility and a public park at 1,000 feet.	over 30	Partially Adopted	Added parks but the distance is 500 feet.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
46	A.2.i.	Increase the buffer between a facility and residence to 1,000 feet from 500 feet.	over 30	Declined	See comment 42.
47	B.2.	Change from "prohibited" support structures to "discouraged" support structures.	1	Declined	No legal basis to do so.
48	F	Make safety-based location requirements only required "to the extent practical".	2	Declined	Practicality, as proposed, is not a legal standard.
	A	Reorganize siting preferences into a single hierarchy of tiers from most desirable to least desirable instead of preferred and discouraged hierarchies.	1	decline	Siting preferences are already organized in a hierarchy.
	A, B	Preface provisions with requirement that an applicant may use a less-preferred or discouraged location/structure if there is no more-preferred option within 250 or 500 feet along PROW	3	decline	Section 9.170.100 already establishes the City's preferential hierarchy for locations and structures. Applicants may seek limited exceptions under Section 9.170.090.E.
	A.2.g.	Delete discouraged locations near hospitals or assisted living facilities.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	A.2.i.	Delete discouraged locations near schools.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	A.2.j.	Delete discouraged locations within 500 feet of a residential dwelling's windows for living areas.	1	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	B.1.	Delete preference for non-pole concealment structures such as kiosks and bus shelters.	1	partially adopt	These types of structures are already the City's least preferred support structures.
	B.1.	Structure preferences should be simplified to existing poles over new poles without distinction about pole ownership.	1	partially adopt	Support structure preferences do not include pole ownership preferences.
	B.3.b.	Develop objective standards for decorative poles rather than prohibiting attachment to them.	1	partially adopt	Attachment to decorative poles is prohibited, but applicants may apply for preapproved designs under Section 9.170.120.
	F.2	Delete prohibition on not placing a small wireless facility in front of any door or window.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	F.2	Make a location in front of any door or window a preferred location.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	F.3	Delete prohibition on placing a small wireless facility within 20 feet from a residential dwelling's windows.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
	F.3	Make location within 20 feet from a residential dwelling's windows a location preference.	2	decline	Applicants may seek limited exceptions under Section 9.170.090.E.
9.170.110 - DESIGN STANDARDS					

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
49		Include noise restrictions.	less than 5	Adopted	Noise regulations are included at Section 9.170.110.A.3.
50		Require equipment not installed on or inside the pole to be underground.	2	Partially Adopted	Section 9.170.110.C.2 requires undergrounded accessory equipment in underground utility districts and where additional above-ground equipment would incommode the public's uses in the PROW.
51	A.4.	Make tree and landscaping requirements only required "to the extent practical".	2	Declined	Practicality, as proposed, is not a legal standard.
52	A.10.	Specifically list the "Fair Housing Amendments Act, National Environmental Policy Act and all FCC regulations concerning small cell technology" to the non-limited list of all laws for which a facility must be designed and sited in compliance with.	over 5	Partially Adopted	This section already requires all facilities to be designed and sited in compliance with all applicable laws. Can include FHAA, NEPA and FCC rules and regulations.
53	B	Make antenna design requirements only required "to the extent practical".	2	Declined	Practicality, as proposed, is not a legal standard.
54	C.2.	Delete underground equipment requirement.	1	Declined	Underground equipment requirements are consistent with conditions imposed on other utilities in the PROW.
55	C.6.	Require any application to include proof of underlying approval of the fire safety standards listed in this section.	over 20	partially approved	Application checklist requirements will include an assessment of these fire safety standards.
56	C.6.	Add requirements that the all equipment must have a surge protector with automatic power shut-off that will notify the City if triggered.	over 20	Declined	The current provision already includes surge protection measures and monitored automatic fire notification and extinguishing systems.
57	C.6.	Fire safety standard requirements only required "to the extent practical".	2	Declined	Practicality, as proposed, is not a legal standard.
		Place design standards in a separate policy document	2	partially adopt	City is developing a model wireless facilities that can change over time
	A.1.	Delete requirement that facilities be concealed.	1	decline	City may impose aesthetic requirements such as stealth/concealment. Applicants may seek limited

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
	B.1.	Allow cutouts for 5G antennas within antenna shroud requirements	1	partially adopt	If the antennas cannot be placed in an opaque shroud, the Director may approve alternative stealth techniques consistent with the goals of the ordinance.
	B.2.	Delete cumulative antenna volume limitations.	3	decline	City may impose aesthetic requirements such as stealth/concealment. Applicants may seek limited exceptions under Section 9.170.090.E.
	B.3.	Delete references to zone height limitations.	3	decline	City may impose aesthetic requirements such as stealth/concealment. Applicants may seek limited exceptions under Section 9.170.090.E.
	C.1.	Allow up to 9 cubic feet of pole mounted accessory equipment on a utility pole and 6 cubic feet on a street light pole, plus any concealing shroud.	1	decline	City may impose aesthetic requirements such as stealth/concealment. Applicants may seek limited exceptions under Section 9.170.090.E.
	C.2.	Allow up to 6 cubic feet of associated equipment on a pole before any undergrounding is considered.	2	decline	Underground equipment requirements are consistent with conditions imposed on other utilities in the PROW.
	C.3.a.	Reference rules in CPUC General Order 95 and Southern California Edison standards.	1	partially adopt	Facilities must be designed and sites in compliance with all applicable laws pursuant to Section 9.170.110.
	C.3.d.	Reference rules in CPUC General Order 95 and Southern California Edison standards.	1	partially adopt	Facilities must be designed and sites in compliance with all applicable laws pursuant to Section 9.170.110.
	C.5.a.	Allows new aerial lines if there are already existing aerial lines in the vicinity.	1	decline	Limitation on no new overhead utility lines is already limited to underground utility districts and traversing roadways used for vehicular transit.
9.170.120 - PREAPPROVED DESIGNS					
58	B.2	Review for preapproved designs should be an administrative review process with waivers or deviations from the ordinance.	1	Declined	City has purview over design standards
9.170.130 - STANDARD CONDITIONS OF APPROVAL					

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
59		Require that all facilities are in compliance with the Americans with Disabilities Act.	over 20	Aadopted	Section 9.170.130.A.9 requires the permittee to maintain compliance at all times with all applicable laws, which may include the ADA.
60		Include a noise complaint process.	3	Adopted	Section 9.170.130.A.10 allows the Director to enforce applicable noise provisions in the SBMC.
61	A.1.	Delete permit term and allow for perpetual or non-expiring permits.	less than 10	Declined	State law requires the minimum term of a wireless facility permit to be at least 10 years unless there are public safety reasons or substantial land use reasons to justify a shorter duration.
62	A.13.	Require the permittee, rather than a fictitious business name to indemnify the City.	less than 10	Partially Adopted	The permit will be issued to a legal entity that may be lawfully doing business under another name.
63	A.14.a.	Require the permittee's commercial general liability insurance to not have pollution exclusion, excluding coverage for RF/EMF related illness or death.	over 10	A potential discussion point	May not have coverage aavailable by insurance carriers
64	A.15.	Allow a performance bond to cover more than one facility.	less than 5	Adopted	Can allow for it under application checklist
65	A.20.	Only require cost reimbursement "to the extent permitted by the FCC".	over 10	Declined	Reimbursement under this Chapter is subject to applicable FCC regulations without restatement.
66	A.21.	Delete requirement to underground non-antenna and meter equipment if other utilities in the PROW are undergrounded.	1	Declined	Underground equipment requirements are consistent with conditions imposed on other utilities in the PROW.
	A	Allow the City to conduct post-installation RF testing at random.	1	partially adopt	Nothing in the ordinance prohibits the City from conducting post-installation RF testing at random. If the City conducted such a test and the permittee was in violation of the City Code or the conditions of approval pertaining to RF emissions, Section 9.170.130.A.16 allows the City to initiate permit revocation proceedings.
	A.5.	Delete requirement for staking.	1	decline	City construction requirement.
	A.11.	Emergency provision should include immediate notice to the permittee with the permittee performing the emergency work if the terms are mutually agreeable.	1	decline	The City is not required to negotiate to protect property or persons from actual, imminent harm in an emergency.

SANTA BARBARA SMALL WIRELESS FACILITIES ORDINANCE STAKEHOLDER COMMENT MATRIX
PRIVILEGED AND CONFIDENTIAL ATTORNEY WORK PRODUCT - DO NOT STORE IN PUBLICLY ACCESSIBLE FILES

Comment No.	Section Reference(s)	Summarized Comment	Comments Received	Action	Notes
	A.13.	Remove requirement that the permittee must indemnify the City for claims for personal injury, death or property damage arising from the permittee's acts or the facility because this is covered by the City's master license agreement for City-owned poles or because the City would not be liable for injury caused by small cells on poles owned by a party other than the City.	1	decline	City may still face such claims as a consequence of approving the permit even if another entity is ultimately liable. The other indemnification obligations in this provision are only related to challenges to the City's approval of the permit.
	A.13.	Permittee should only have to reimburse City for any <i>reasonable</i> costs and expenses necessarily incurred by the City in the course of the defense	1	decline	Such a provision would invite disputes from permittees about what a reasonable cost is.
	A.14.	Insurance requirements should be the consistent with master license agreement insurance requirements.	1	partially adopt	They can be but not required, it is not an issue that needs to be codified in an ordinance. Can be part of the Checklist.
	A.21.	Allow City and permittee to relocate facility onto a new permittee-owned pole at no cost to permittee.	1	decline	This would be counterintuitive to the goal of undergrounding infrastructure and equipment except for that which cannot be undergrounded, such as street lights.
	A.24.	Delete "under penalty of perjury" requirement for affirmation of radio frequency compliance because a permittee cannot predict future compliance with the RF standards.	1	partially adopt	This requirement protects against permittees making material and knowingly false statements to the City with the intent that the City will understand those statements as true. Provision should be revised to be a periodic, recurring obligation for the permittee related to the then-current equipment deployed.
	A.25.	Delete requirement to reasonably cooperate with City requests to participate in community/stakeholder meetings	2	decline	This requirement is a reasonable part of the City's on-going PROW management process concerning facilities.
9.170.140 - VIOLATIONS					
OTHER					